

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:12-cr-0133-SEB-TAB
)	
STACY COOPER,)	
)	- 27
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 5, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on November 27, 2017. Defendant Cooper appeared in person with her appointed counsel Michael Donahoe. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Ryan Sharp.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Cooper of her rights and ensured she had a copy of the Petition. Defendant Cooper orally waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Cooper admitted violation nos. 2, 3, and
4. [Docket No. 1779.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 2 **“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”**

On November 17, 2017, this officer visited Ms. Cooper at the Henry County Jail. She admitted she had been drinking alcohol and smoking marijuana on November 15, 2017, the day of her arrest; however, she denied any other illicit drug use. A urine sample was collected which was diluted.

- 3 **“The defendant shall not associate with persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.”**

On November 15, 2017, at the time of Ms. Cooper's arrest, Leah Neal was located hiding in Cooper's cellar. Ms. Neal had a warrant out [for] her arrest. Also, Jarrod Lacer was present at the home and has a lengthy felony history for theft and battery. He also had a warrant for his arrest out of Vanderburgh County, Indiana.

- 4 **“The defendant shall pay the total criminal monetary penalties under the schedule of payments.”**

Ms. Cooper has an unpaid special assessment balance of \$45. She made only two payments on this obligation since she began supervision. She has paid a total of \$55.

4. The government orally moved to dismiss violation no. 1 and the same was granted.

5. The Court finds that:


- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

6. The parties jointly recommended a sentence of eight (8) months with no supervised release to follow. Defendant requested placement at FCI Aliceville, Alabama.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, recommends that the Court find that the Defendant violated the conditions set forth in violation nos. 2, 3, and 4 of the Petition, and recommends that Defendant's supervised release be revoked, and that she be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends that the Court make a recommendation of placement at FCI Aliceville, Alabama.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 29 DEC 2017



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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